

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-24 are pending in this application. Claims 1, 4, and 21, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at page 12 and Figure 5.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e) and 103(a)**

Claims 1-6 and 21 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,658,155 to Kondo et al. (hereinafter, merely "Kondo").

Claim 1 recites, *inter alia*:

**"wherein the envelope calculation means calculates a positive envelope in a positive region of the input signal and a negative envelope in a negative region of the input signal."** (emphasis added)

As understood by Applicants, Kondo relates to an encoding apparatus. In an upper-layer image memory, the higher four bits of an upper-layer image stored so far are updated

by the use of a four-bit pixel value input from a pixel-value update circuit, and the lower four bits of the upper-layer image are updated by the use of a four-bit class code input from a class-code selection circuit.

Applicants respectfully submit that Kondo fails to teach or suggest the above-identified features of claim 1. Specifically, nothing is found that discloses or teaches wherein the envelope calculation means calculates a positive envelope in a positive region of the input signal and a negative envelope in a negative region of the input signal, as recited in claim 1.

Therefore, independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, claims 6 and 21 are patentable.

### III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 7-10 and 22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kondo in view of Official Notice.

Applicants respectfully submit that this application is patentable over Kondo under 35 U.S.C. §103(c) - "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

As conceded by the Office Action, Kondo is a prior art only under 35 U.S.C. §102(e). Applicants submit that Kondo and this application at the time the claimed invention

was made were subject to an obligation of assignment to Sony Corporation. Therefore, claims 7-10 and 22 are patentable over Kondo under 35 U.S.C. §103(c).

#### **IV. ALLOWABLE SUBJECT MATTER**

Claims 11-20, 23, and 24 are allowed.

#### **V. DEPENDENT CLAIMS**

Each of the other claims in this application is dependent on an independent claim discussed above, and is therefore believed patentable for at least the same reasons presented for the independent claim upon which it depends. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**

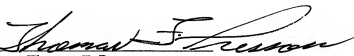
In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any  
overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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